

TARIFF ACT OF 1842.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

ASKING

*An amendment of the tariff act of 1842, in regard to obscene and indecent articles.*

JULY 17, 1856.—Referred to the Committee of Ways and Means.

TREASURY DEPARTMENT, *July 16, 1856.*

SIR: I have the honor to recommend an amendment of the 28th section of the tariff act of 30th August, 1842, prohibiting the importation of obscene and indecent articles, so as more effectually to accomplish the purposes for which that provision was enacted.

The section proposed to be amended prohibits the importation of indecent and obscene prints, paintings, lithographs, engravings, and transparencies.

The terms of the prohibition, it will be seen, do not embrace obscene figures, statuettes, or any other representations in wood, stone, earth, or metals; and hence the spirit of the law is violated by the frequent importation of objectionable articles in such and other forms not embraced within the terms of the act, but productive of the evils intended to be prevented by the prohibition.

The department has endeavored to effectuate the purpose of the legislature in this regard by giving such construction to the law, without extending it beyond what was believed its proper scope and bearing, as would reach the evil; but, on appeal to the courts by the parties interested, those tribunals have felt obliged, of course, as much as they deplored the demoralization likely to result from the importation and sale of the articles in question, not to extend the prohibition beyond the terms of the act, applying to them a liberal intendment; and thus indecent and obscene figures, and other like articles not within the terms of the law, though clearly working the mischief the law was intended to prevent, are imported and sold, and there is no

power by law by which the officers of the customs or courts of justice can prevent the importation.

From every point of view in which this subject can be regarded the propriety of an amendment of the present law must be obvious, and I have accordingly prepared the draught of an amendment, which I transmit herewith, and recommend that it should be enacted.

I am, sir, respectfully, your obedient servant,

JAMES GUTHRIE,

*Secretary of the Treasury.*

Hon. N. P. BANKS, Jr.,

*Speaker of the House of Representatives, Washington, D. C.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the twenty-eighth section of the act of Congress approved the thirtieth of August, one thousand eight hundred and forty-two, and entitled "An act to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes," be amended as follows:*

The importation of all indecent or obscene articles, prints, paintings, lithographs, engravings, images, figures, daguerreotypes, photographs, and transparencies is hereby prohibited, and no invoice or package whatever, or any part thereof, in which any such articles are contained, shall be admitted to entry; and all invoices and packages whereof any such articles shall compose a part are hereby declared to be liable to be proceeded against, seized, and forfeited by due course of law, and the said articles shall be forthwith destroyed.